

SUBPOENA (including command to produce document or object)

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IN THE UNITED STATES DISTRICT COURT FOR
 THE NORTHERN DISTRICT OF OHIO
 (Court) TOLEDO, OH

Case No. 3:08-CV-1434

MIDLAND FUNDING LLC,

Plaintiff

vs.

ANDREA L. BRENT

vs.

MIDLAND CREDIT MANAGEMENT, INC.

Defendant

SUBPOENA

CIVIL/CRIMINAL ☒
 DUCES TECUM ☒
 GRAND JURY ☐

TO:
 Javitch Block & Rathbone LLP

1100 Superior Ave, E, 19th Floor, Cleveland, OH
 44114-2521

Name

Address

YOU ARE HEREBY COMMANDED TO:

Produce a copy of every Affidavit received from Midland Credit Management, Inc. that Javitch, Block & Rathbone used in a collection action that was filed with a Court in Ohio from June 16, 2007 to October 1, 2009.

on the 5th Day of April, 2010 at 9:00 O'clock A. M.

You are further ordered to:

Attorney's Name

Dennis E. Murray, Sr., Esq.
 Donna Jean Evans, Esq.

Attorney's Address

111 East Shoreline Drive, Sandusky, Ohio 44870

Witness my hand and seal of said Court this

4th day of March, 2010

By: Donna Jean Evans
 Attorney Donna J. Evans Judge

Attorney for: Andrea L. Brent

Phone No: 419-624-3000

By: _____
 Deputy

RETURN ON SERVICE

On the 5th day of March, 2010

I served the above named individual by **Certified Mail, Return Receipt Requested.**

Dated March 4, 2010

By: Donna Jean Evans
 (Process Server)

(Over)

Service fees: \$ 5.54
 1 day's fee tendered \$
 Service and Return \$
 Mileage \$
 Total \$ 5.54

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or


(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: Javitch Block + Rathbone LLP 1100 Superior Ave, E. 19th Floor Cleveland, OH 44114-2521</p>		<p>B. Received by (Printed Name) Javitch Block + Rathbone</p> <p>C. Date of Delivery 3/5/10</p>	
<p>2. Article Number (Transfer from service label) 7003 1010 0002 5066 4199</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-P-4081</p>			